

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 19844 OF 2005

Date: 03.10.2005

BETWEEN:

1. Durgasi Chalapathi Reddy and another

.... PETITIONERS

And

1. The District Collector, Srikakulam District, Srikakulam, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 19694 OF 2005

ORDER:

The petitioners are residents of Nelavanka village, Kaviti Mandal, Srikakulam District. They allege that the land admeasuring Acs.3.50 in S.No.140-P of Nelavanka village was assigned to the first petitioner vide D.Form patta No.197/95, dated 27.12.1985, likewise, the land admeasuring Acs.3.80 in S.No.140-P of Nelavanka village was assigned to the second petitioner vide D.Form patta No.198/95 dated 27.12.1985. They allege that they took possession of the land, paying taxes to revenue authorities, and are cultivating the lands. They further allege that respondents 1 and 2 are allotting the land to third respondent without cancelling the assignments made to them. Therefore, they seek a declaration that the action of the respondents 1 and 2 in issuing pattas to third respondent and others in respect of the land in S.No.140-P of Nelavanka village as illegal and arbitrary.

The learned Assistant Government Pleader for Revenue (Assignment) opposes the writ petition on two grounds. Firstly, he contends that when the land assigned to the petitioners is reassigned to others, the assignee has a right of appeal under Paragraph-15 of

Board Standing Order 15 (BSO), and secondly, he would urge that the petitioners were never in possession of the land.

B.S.O. 15 deals with assignment of agricultural lands. It is a self-contained code, which has adequate provisions by way of appeal to the Revenue Divisional Officer (RDO) against the order of Mandal Revenue Officer (MRO) either refusing the assignment or assignment to a rival party. In this case, the petitioners allegedly were assigned lands way back in 1985 and they are in possession. If the MRO again assigned the lands to others without cancelling the assignment made to the petitioners, it is always open to them to approach the MRO having jurisdiction over the matter by way of appeal under Paragraph-15 of B.S.O. 15. Liberty is given to the petitioners to do so. As the petitioners allege that they are in possession of the land, it would be in the interest of justice to direct status quo as on today. They petitioners are given two weeks time from the date of receipt of a copy of this order to approach the jurisdictional RDO and file appeal. In such an event, the RDO shall decide the appeal after giving notice to the petitioners and other aggrieved persons and decide the matter in accordance with law.

The Writ Petition is accordingly disposed of at the admission stage.

(V.V.S. RAO, J.)

3rd October, 2005

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